

# EUROPEAN SOCIAL CHARTER

## Social Rights Monitoring 2020: Employment, training and equal opportunities

### 2020 Conclusions of the European Committee of Social Rights

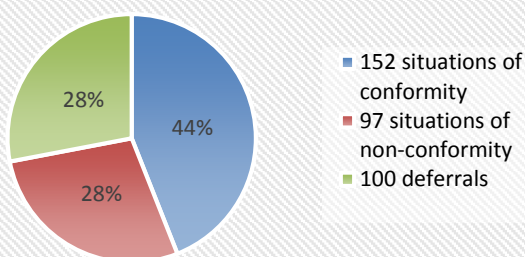
#### RIGHTS EXAMINED IN 2020

In 2020, the European Committee of Social Rights examined the provisions of the European Social Charter relating to employment, training and equal opportunities<sup>1</sup>: the right to work (Article 1) ; the right to vocational guidance (Article 9); the right to vocational training (Article 10); the right of persons with disabilities to independence, social integration and participation in the life of the community (Article 15); the right to engage in a gainful occupation in the territory of other States Parties (Article 18); the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex (Article 20); the right to protection in cases of termination of employment (Article 24); the right of workers to the protection of their claims in the event of the insolvency of their employer (Article 25).

#### KEY FIGURES

- 349 conclusions on employment, training and equal opportunities in respect of 33 states.
- 152 findings of violation of the Charter.
- 97 conclusions of conformity.
- 100 cases of deferral for lack of information.

#### 349 situations examined in 2020



#### MAIN FINDINGS IN 2020

##### Non-conformity

- Insufficient protection against discrimination in employment on different grounds such as gender, sexual orientation or ethnic origin.
- Restrictions on access of foreign nationals to employment.
- Insufficient integration of persons with disabilities into mainstream education, on the labour market and into society.
- Insufficient guarantee of equal pay for women and men for equal work or work of equal value.
- Insufficient measures to make measurable progress in reducing the gender pay gap.
- Inadequate employment policy efforts to combat unemployment and promote job creation.
- Inadequate compensation in case of unlawful dismissal.

##### Positive developments

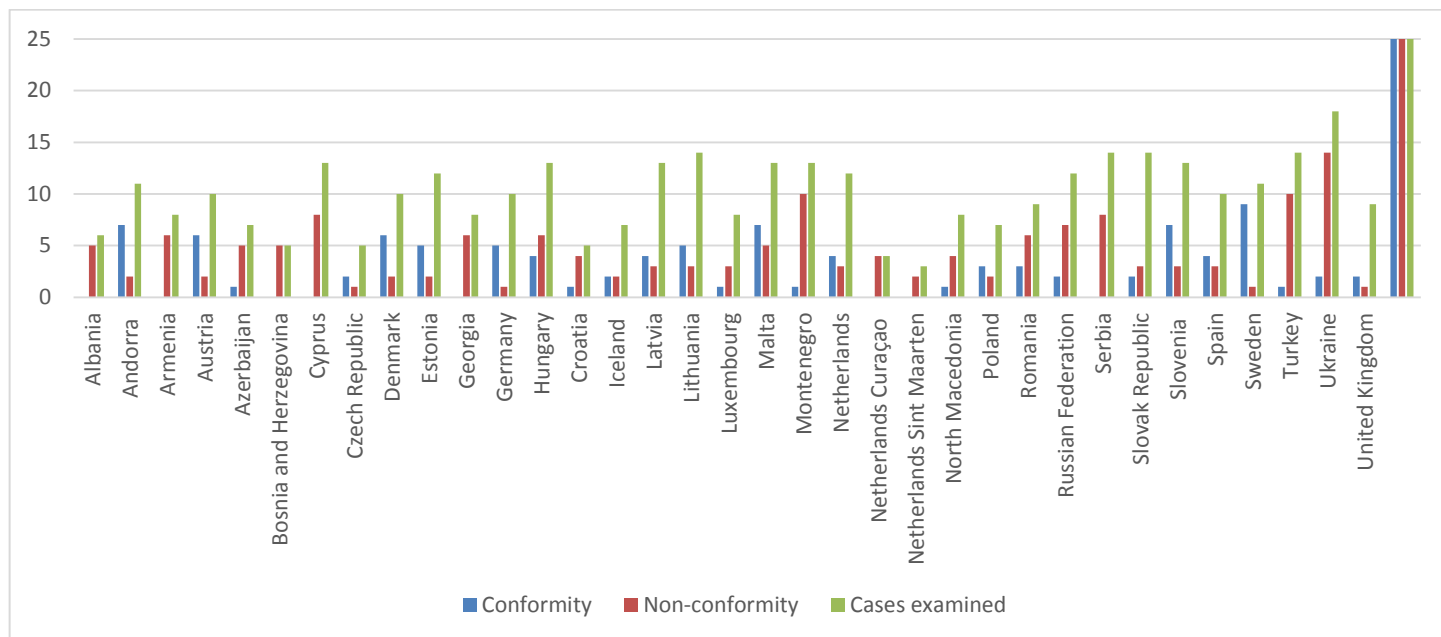
- Adoption of anti-discrimination legislation in certain countries, also in relation to equal pay.
- Introduction of legislation and measures in respect of persons with disabilities.
- Introduction of the shift in the burden of proof in cases of discrimination in certain countries.

#### REPORTING

- 33 national reports on rights relating to employment, training and equal opportunities were examined in 2020. Two states did not submit a report.
- The reports covered the period from 1 January 2015 until 31 December 2018.
- 7 states bound by the Collective Complaints procedure were exempted from reporting in 2020 and provided information on the follow-up given to decisions on the merits of collective complaints in which the Committee found a violation.

<sup>1</sup> Each year, the European Committee of Social Rights examines one of the four groups of provisions covered by the Charter.

## DEGREE OF COMPLIANCE WITH THE PROVISIONS OF THE CHARTER ON RIGHTS RELATING TO EMPLOYMENT, TRAINING AND EQUAL OPPORTUNITIES



### BACKGROUND

#### The European Social Charter

The European Social Charter is a Council of Europe treaty that guarantees fundamental social and economic rights as a counterpart to the European Convention on Human Rights, which refers to civil and political rights. It guarantees a broad range of everyday human rights related to employment, housing, health, education, social protection and welfare.

#### The European Committee of Social Rights

Council of Europe monitoring body composed of 15 independent & impartial experts which rules on the conformity of national situations with the Charter.

#### Reports and Conclusions

The monitoring carried out by the Committee in 2020 consists of two components:

- Examination of national reports on the thematic group of provisions related to employment, training and equal opportunities following the specific targeted questions posed to states for this cycle.
- Examination of information on follow-up to Collective Complaints.

In the framework of the reporting procedure the Committee's monitoring is based on reports submitted by the States Parties, but the Committee also takes into account comments made by trade unions and employers' organisations, national human rights institutions and non-governmental organisations and any other source of information which it deems relevant to the examination of national situations.

They frequently provide information which allows the Committee to gain a better and more comprehensive understanding of national law and practice.

#### Statements of interpretation

The Committee also, when necessary, issues statements of interpretation developing and clarifying the meaning and scope of the Charter as regards specific issues.

In 2020, the Committee adopted two important statements of interpretation: one on the right to protection of health and other on the right to education and vocational training for persons with disabilities.

### RESOURCES

Web: [www.coe.int/socialcharter](http://www.coe.int/socialcharter)

Twitter: @social\_charter

### CONTACT

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This communication does not bind the European Committee of Social Rights.